

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DYLAN THOMAS,

Plaintiff,

vs.

LINCOLN REGIONAL CENTER
STAFF MEMBERS, ARTURO, from
Homeland Security; DR. NAJEEB, and
MARC OSTRANDER, Program
Manager;

Defendants.

8:21CV368

MEMORANDUM AND ORDER

This matter is before the court on its own motion. On September 27, 2021, the court granted Plaintiff leave to proceed in forma pauperis (“IFP”) as a “non-prisoner.” (Filing 5.) The court now vacates its order granting Plaintiff’s IFP motion (Filing 2) pursuant to Fed. R. Civ. P. 60(a)¹ because the court erroneously characterized Plaintiff as a “non-prisoner.” In reality, Plaintiff is a “prisoner” within the meaning of the Prison Litigation Reform Act as he alludes to in his IFP motion and as the court recognized when it granted him leave to proceed IFP in another case, 8:21CV272. (Filing 2; Filing 8 at CM/ECF p. 1 n.1, Case No. 8:21CV272 (acknowledging that Plaintiff is confined in the Lincoln Regional Center for restoration of competency as part of his pending criminal proceeding in the District Court of Douglas County, Nebraska).)

Prisoner plaintiffs are required to pay the full amount of the court’s \$350.00 filing fee by making monthly payments to the court, even if the prisoner is proceeding IFP. 28 U.S.C. § 1915(b). However, the court cannot calculate

¹ Rule 60(a) allows the court to “correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a . . . order.”

Plaintiff's initial partial filing fee without a current copy of Plaintiff's trust account information. *See* 28 U.S.C. § 1915(b)(1). Accordingly, the court will direct the clerk of the court to request a certified copy of Plaintiff's trust account information from his current institution. Alternatively, Plaintiff may provide a current copy of his trust account information to the court as he did in Case No. 8:21cv272.

IT IS THEREFORE ORDERED that:

1. The court's September 27, 2021 Order (Filing 5) is vacated. The clerk of the court is directed to reinstate the motion event for Filing 2.

2. The clerk of the court is directed to request a certified copy of Plaintiff's trust account information from his current institution, the Lincoln Regional Center.

3. The court will rule on Plaintiff's IFP motion (Filing 2) after it receives Plaintiff's trust account information. No further review of this case will occur until after Plaintiff's authorization to proceed IFP is resolved.

Dated this 28th day of September, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge